

NOV 14 2005

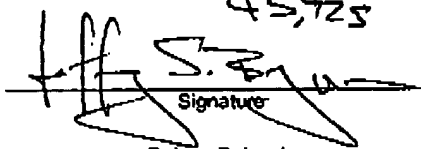
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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 16159/021001; P6416	
		Application Number 09/997,927-Conf. #5348	Filed November 30, 2001
		First Named Inventor Syed M. Ali et al.	
		Art Unit 2143	Examiner D. M. Doan
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>46,479</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p>		<p> Signature Robert P. Lord Typed or printed name</p> <p><u>(713) 228-8600</u> Telephone number</p> <p><u>November 14, 2005</u> Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>			
<p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

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(Brenda C. McFadden)

Docket No.: 16159/021001; P6416
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Syed M. Ali et al.

Conf. No.: 5348

Application No.: 09/997,927

Art Unit: 2143

Filed: November 30, 2001

Examiner: Duyen My DOAN

For: **TRANSPARENT INJECTION OF
INTELLIGENT PROXIES INTO EXISTING
DISTRIBUTED APPLICATIONS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 2-8, 10-24, and 31-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,629,128 ("Glass").

In maintaining the above rejection, the Applicant respectfully asserts that the Examiner has failed to satisfy the requirements set out in M.P.E.P. §2131, which require that the cited prior art teach each and every element as set forth in the claim, either expressly or inherently. In particular, the Applicant respectfully asserts that the Examiner, in construing the claims, has failed to consider the claim limitations in their *entirety*.

Turning to the claims, the independent claims require: (i) analyzing the server portion to find each remote object in the server portion and creating the proxy object for each remote object in the server portion and (ii) analyzing the client portion to determine calls made to remote objects in the server portion and replacing calls for remote objects with calls for a corresponding proxy object. Each of the aforementioned limitations is addressed below.

- (i) "analyzing the server portion to find each remote object in the server portion and creating the proxy for each remote object in the server portion" – This limitation clearly requires that the server portion is analyzed to find each remote object in the server portion to create a

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corresponding proxy object for each remote object. The Examiner has indicated that this limitation is not equivalent to finding *all* the remote objects in the server portion. (See Office Action mailed August 12, 2005, p. 6). The Applicant asserts that this limitation clearly indicates that all remote objects in the server portion are located and corresponding proxy objects are created. While the Applicant concedes that the term *all* is not listed in the claim limitation, the language of the claim (*i.e.*, analyzing the server portion to find each of the remote objects) read in its entirety is equivalent to find all of the remote objects. Accordingly, the Examiner's rejection based solely on the lack of the word *all* in the claims, is improper as the Examiner has failed to analyze the claim limitation in its *entirety*; and

- (ii) "analyzing the client portion to determine calls made to remote objects in the server portion and replacing calls for remote objects with calls for a corresponding proxy" – In continuing to assert that Glass teaches this limitation, the Examiner is improperly extending the teachings of Glass. Specifically, as discussed in the Response mailed on May 10, 2005, Glass merely discloses intercepting the calls for a given object and then attempting to locate the corresponding proxy object (See Glass, Figure 2). Thus, no calls to remote objects are replaced in the application. In contrast, as recited in the claims, the calls to the remote objects are *replaced* with calls to the corresponding proxy objects. As such, there is no interception of the calls to the remote object as the calls are directly routed to the corresponding proxy object.

With respect to dependent claim 10, it requires: "wherein analyzing the server portion comprises parsing machine code for the server portion." The Examiner has asserted that Glass teaches this limitation. However, Glass does not even include the term "machine code." Accordingly, this rejection cannot be maintained under 35 U.S.C. §102(e).

With respect to dependent claim 15, it requires: "modifying the client portion to substitute a call to a first lookup service that locates the remote object with a call to a second lookup service that locates the corresponding proxy." The Examiner has continued to reject this limitation by asserting there must be a lookup service in order for the client to access the proxy object. (See Office Action mailed August 12, 2005, p. 7). The Applicant asserts that the Examiner's response fails to address the language within the claim limitation. Specifically, there is no indication in Glass directed to *modifying* the call to the first lookup service (*i.e.*, a service to locate the remote object) to a call to the second lookup service (*i.e.*, a service to locate the

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proxy object). As taught in Glass, once a request for a remote object has been made, the request is intercepted and a proxy object is created. Once the proxy object is created, it is forwarded to the client portion. (See Glass, Fig. 4). There is no indication in that the Glass *modifies any* portion of the client portion to call a look-up service to search for a proxy object.

In view of the above, the Applicant believes that the Examiner has failed to satisfy the requirements set forth in M.P.E.P §2131 to establish a rejection under 35 U.S.C. §102(e). Accordingly, a favorable decision from the panel is respectfully requested. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 16159/021001).

Dated: November 14, 2005

Respectfully submitted,

By


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Application No. (if known): 09/997,927

Attorney Docket No.: 16159/021001; P6416

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Pre-Appeal Brief Request for Review Transmittal (1 page)

Notice of Appeal (1 page)

Pre-Appeal Brief Request for Review (3 pages)

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